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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/132,479	08/11/1998	PATRICK YOUNG	32939-SB-S78	9496

23363 7590 12/18/2003

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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 12/18/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/132,479

Applicant(s)

YOUNG ET AL.

Examiner

Hai Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/06/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 1-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

Claims 52-54, 59, 69-70 and 76-77 claim only subject matter disclosed in prior Application 08/033,773 (patent US 5,353,121) filed on 03/19/93, and names an inventor or inventors named in the prior application. Therefore, the effective filing data of the instant claims 52-54, 59, 69-70 and 76-77 is 03/19/93.

Oath/Declaration

Applicant requests that the objection of the Oath/Declaration of the last Office action, paper 7, to be withdrawn is accepted.

Terminal Disclaimer

The terminal disclaimer filed on 05/06/03 disclaiming the terminal portion of any patent granted on this has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

Applicant's arguments with respect to claims 51-60 in amendment filled on 11/27/02 have been considered but are moot in view of the new ground(s) of rejection.

Claim 51, Applicant argues, "Strubbe ... does not disclose displaying a channel listing on a monitor screen. Additionally, Strubbe... fails to disclose arranging the channels in the channel listing in a user determined order."

In response the Examiner respectfully disagrees with Applicant because Strubbe does display a channel listing on a monitor screen, see Fig. 4 and 6a. Furthermore, Strubbe shows the channel in the channel listing is arranged either in a user determined order "by program title" (Fig. 6a) or in Channel order (Fig. 4, el. K) in which the program title is in relationship with the tuned channel.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 51, 55-56, 61-68, 71-75, and 78-81 are rejected under 35 U.S.C. 102(b) as being unpatentable by Strubbe et al. (US 5,047,867).

Regarding claim 51, Strubbe discloses a method of navigating a database of television program listings, the method comprising the steps of (Fig. 1):

Storing in electronic memory (Fig. 2, elements 36A-C; Col.. 4, lines 23-50) a channel listing and television program listings for a plurality of channels, the channel listing having indicators (Channel number/Name i.e. CBS or program titles) for at least some of the plurality of channels (see Fig. 6a).

Displaying the indicators (Channel number/Name; i.e. CBS or program titles) for the channel listing on a monitor screen (Fig. 6a); and

Arranging the indicators (Channel number/Name; i.e. CBS or program titles) for the channel listings in a user determined order (preferred order of program title to match viewer interest) (Col. 4; lines 19-Col. 5, lines 23-30; Fig. 6A; Favorite programs arranged according to program name).

Regarding claim 55, Strubbe further discloses wherein the arranging step comprises:

Displaying each of the plurality of channels in the channel listing in sequences and selecting a priority in the channel listing for each of the plurality of channels as it is displayed (Based on user's favorite; Fig. 6A).

Regarding claim 56, Strubbe further discloses wherein the step of displaying each of the plurality of channels in the channel listing comprises displaying a channel label (CBS, ABC...) for each of the plurality of channels in the channel listing (Fig. 6A).

Regarding claim 61, Strubbe further discloses displaying a EPG having at least a portion of the TV program listing wherein the order of at least a portion of the displayed TV program listing correspond to the user determined order (preferred order of program title to match viewer interest) (Col. 5, lines 23-30; Fig. 6A; Favorite programs arranged according to program name).

Regarding claim 62, Strubbe further discloses sequentially displaying TV programs in response to user channel change commands (See Fig. 4, el. K; Col. 4, lines 5-50);

Regarding claim 63, Strubbe further discloses receiving a use scan commands (extended channel K; Fig. 4; Col. 4, lines 43-45); and

Sequentially displaying TV programs in response to the user scan commands, wherein the TV programs are displayed sequentially in order corresponding to the user-determined order (Col. 4, lines 43-50).

Regarding claim 64, Strubbe further discloses wherein the user determined order is a preferred order based on viewer interest (Favorite; Col. 4, lines 31-33);

Regarding claim 65, Strubbe discloses a system for displaying an EPG (Fig. 1-2) comprising:

A memory (Fig. 2, elements 36A-C; Col. 4, lines 23-50) for storing a channel listing and a plurality of TV program listing, each of the plurality of TV program listings corresponding to one or more channels;

An input coupled to the memory for receiving user commands (see Fig. 2 wherein controller 50 receives RC input); and

A processor 30 coupled to the input 50, the processor configured to display the channel listing on a monitor screen (See Fig. 4), the channel listing including a plurality of channels (Fig. 4; element K);

Receive a user determined channel listing order (extended command; i.e., G, K); and display an EPG having at least some of the plurality of TV program listings (Fig. 4), wherein the order of displayed TV program listing corresponds to at least a portion of the user determined channel listing order. (Channel number/Name; i.e., CBS or program titles for the TV program listing in a user determined order; i.e.,

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preferred order of program title to match viewer interest; Col. 4; lines 19-Col. 5, lines 23-30; see Fig. 6A wherein Favorite programs arranged according to program name).

Regarding claims 66-67, Strubbe further discloses wherein the processor displays the channel listing on the monitor in a predetermined channel order and wherein the predetermined channel order is a numerical order (Fig.4, el. K);

Regarding claim 68, wherein Strubbe further discloses wherein the processor is further configured to receive the user determined channel listing order by allowing the user to arrange the channels of the channel listing (user selects extended Channel G for displaying favorite programs in order program title as shown in 6a; Col. 4, lines 31-35);

Regarding claim 71, Strubbe further discloses wherein the processor is configured to allow the user to arrange the channels by sequentially displaying each of the plurality of channels (see Fig. 4, el. K) and receiving a user indication of priority (Extended G) for each of the plurality of channels (receives extended Channel G from user for displaying favorite programs in order program title as shown in 6a; Col. 4, lines 31-35).

Regarding claim 72, System claim 72 is analyzed with respect to system claim 65 in which Strubbe further discloses a tuner 140 in Fig. 2.

Regarding claim 73-74, see analysis of claims 66-67.

Regarding claim 75, see analysis of claim 68.

Regarding claim 78, see analysis of claim 71.

Regarding claim 79, Strubbe further discloses wherein the sequential tuning of the tuner to the plurality of TV channels is in response to a plurality of sequential user commands (Col. 3, lines 60-65);

Regarding claims 80-81, the apparatus claims 80-81 are analyzed with respect to system claims 65 and 72.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 51-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoarty (US 5412720) in view of Anderson et al. (US 5416895).

Regarding claim 51, Hoarty discloses a method of navigating EPG (an database of television program listings) Fig. 21 in which the channel listing having indicators "Channel number", "program name" for at least some of the plurality of channels and displaying the indicators "Channel number", "Program name" for the channel listing on a monitor screen (see Fig. 21).

As to "Storing in electronic memory a channel listing and television program listings for a plurality of channels"; Hoarty does not clearly disclose it.

Official Notice is taken that storing an EPG in a memory of a STB or TV receiver is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by storing an EPG in the memory so to reduce the transmission bandwidth of the broadcaster.

Hoarty does not disclose, "Arranging the indicators (Channel number/Name; i.e. CBS or program titles) for the channel listings in a user determined order".

Anderson teaches a method of arranging the order of the cells in a user determined order (sort; Col. 7, lines 55-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by using the well known technique of sorting, as taught by Anderson, in order to provide users a highly intuitive interface so users could organize and present information according to their needs (Col. 3, lines 35-40).

Regarding claims 52-54; 69-70 and 76-77, Hoarty does not disclose moving a cursor on the monitor screen (using the cursor) to selectively highlighting one of the plurality of channels, wherein the reordering by moving the highlighted one of the plurality of channels from a first location to a second location in the channel listing; wherein the reordering step comprises dragging the cursor and highlighted one of the plurality of channels to the second location; and wherein the reordering step comprises selecting a second location for the

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highlighted one of the plurality of channels and transferring the highlighted one of the plurality of channels from a first location to the second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by using the well known technique of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive interface so users don't have to master an elaborate and/or awkward environment but instead, may rely upon his or her own common knowledge to organize and present information according to their needs (Col. 3, lines 35-40).

Regarding claim 55, limitation "Displaying each of the plurality of channels in the channel listing in sequences and selecting a priority in the channel listing for each of the plurality of channels as it is displayed" is met by Hoarty in view Anderson and analyzed with the same respect to claim 51.

Regarding claim 56, limitation "wherein the step of displaying each of the plurality of channels in the channel listing comprises displaying a channel label (CBS, ABC...) for each of the plurality of channels in the channel listing is met by Hoarty (Fig. 21).

Regarding claim 57, as analyzed with respect to claim 1, Hoarty further discloses the listing guide having a plurality of cells (see Fig. 21).

Regarding claim 58, limitation "means for arranging the plurality of channels in the channel listing in the user-determined order" is met by Hoarty in view Anderson and analyzed with the same respect to claim 51.

Regarding claim 59, limitation "wherein the arranging means comprises a movable cursor displayed on the guide to selectively highlight one of the plurality of channels, wherein the highlighted one of the plurality of channels is moved from the first location to a second location in the channel listing" is met by Hoarty in view Anderson and analyzed with the same respect to claim 52.

Regarding claim 60, limitation "wherein the arranging means comprises means for displaying each of the plurality of channels in the channel listing over time in a default sequence and means for selecting a priority in the channel listing for each of the plurality of channels as it is displayed" is met by Hoarty in view Anderson and analyzed with respect to claim 51.

Regarding claim 61, limitation "displaying a EPG having at least a portion of the TV program listing wherein the order of at least a portion of the displayed TV program listing correspond to the user determined order" is met by Hoarty in view Anderson and analyzed with respect to claim 51.

Regarding claim 62, Hoarty further discloses, "sequentially displaying TV programs in response to user channel change commands" (Col. 12, lines 57-65);

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Regarding claim 63, as to "receiving a use scan commands and sequentially displaying TV programs in response to the user scan commands, wherein the TV programs are displayed sequentially in order corresponding to the user-determined order" is met by Hoarty in view of Anderson and analyzed with respect to claim 51 in which the TV must perform a scan command in order to list/display TV program as shown in Fig. 21.

Regarding claim 64, Hoarty further discloses wherein the user determined order is a preferred order based on viewer interest (Favorite Channels; see Fig. 22; Col. 12, line 60);

Regarding claim 65, as analyzed with respect to claim 51, Hoarty (Fig. 17) in view of Anderson further discloses a system for displaying an EPG (Fig. 21) comprising

An input 1735 coupled to the memory 1733 for receiving user commands (see Fig. 1 wherein Infrared receiver 1735 receives RC input); and

A processor 173 coupled to the input 1735, the processor configured to display the channel listing on a monitor screen (See Fig. 17), the channel listing including a plurality of channels (Fig. 21);.

Regarding claims 66-67, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 displays the channel listing on the monitor in a predetermined channel order and wherein the predetermined channel order is a numerical order (see Fig. 21 and analysis of claim 51);

Regarding claim 68, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 is further configured to receive the user-determined channel listing order by allowing the user to arrange the channels of the channel listing (see analysis of claim 51).

Regarding claim 71, Hoarty (Fig. 17) in view of Anderson further discloses wherein the processor 173 is configured to allow the user to arrange the channels by sequentially displaying each of the plurality of channels (see Fig. 21) and receiving a user indication of priority for each of the plurality of channels (receives a selected order/command from user for displaying Favorite Channels; see Fig. 22; Col. 12, line 60);

Regarding claim 72, System claim 72 is analyzed with respect to system claim 65 in which Hoarty (Fig. 17) further discloses a tuner 174.

Regarding claim 73-74, see analysis of claims 66-67.

Regarding claim 75, see analysis of claim 68.

Regarding claim 78, see analysis of claim 71.

Regarding claim 79, as to limitation "wherein the sequential tuning of the tuner to the plurality of TV channels is in response to a plurality of sequential user commands" is further met by Hoarty due to the use of a remote control to sequentially tune the TV program listing.

Regarding claims 80-81, the apparatus claims 80-81 are analyzed with respect to system claims 65 and 72.

3. Claims 52-54; 69-70 and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Anderson et al. (US 5416895).

Regarding claims 52-54; 69-70 and 76-77 Strubbe does not disclose moving a cursor on the monitor screen (using the cursor) to selectively highlighting one of the plurality of channels, wherein the reordering by moving the highlighted one of the plurality of channels from a first location to a second location in the channel listing; wherein the reordering step comprises dragging the cursor and highlighted one of the plurality of channels to the second location; and wherein the reordering step comprises selecting a second location for the highlighted one of the plurality of channels and transferring the highlighted one of the plurality of channels from a first location to the second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe by using the well known technique of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive interface so users don't have to master an elaborate and/or awkward environment but instead, may rely upon his or her own common knowledge to organize and present information according to their needs (Col. 3, lines 35-40).

4. Claims 57-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Kawasaki (US 5,323,234).

Regarding claim 57, as analyzed with respect to claim 1, Strubbe does not disclose the listing guide having a plurality of cells.

Kawasaki discloses a listing guide having a plurality of cells (Fig. 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe's listing guide with plurality of cells, as taught by Kawasaki, so to have a better presentation or to ease the selection of programs/channels by using the cursor/pointer of a remote control to navigate from one cell to another cell.

Regarding claim 58, both Strubbe (each channel's program are listed in Alpha order of program name, see Fig. 6a) and Kawasaki (Col. 5, lines 23-30; Fig. 6A; Favorite programs arranged according to program name) discloses means for arranging the plurality of channels in the channel listing in the user-determined order.

Regarding claim 60, both Strubbe (priority based on user's favorite; Fig. 6A) and Kawasaki (Fig. 5, priority based on channel # followed by time order) disclose wherein the arranging means comprises means for displaying each of the plurality of channels in the channel listing over time in a default sequence and means for selecting a priority in the channel listing for each of the plurality of channels as it is displayed.

5. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strubbe et al. (US 5,047,867) in view of Kawasaki (US 5,323,234) and further in view of Anderson et al. (US 5,416,895).

Regarding claim 59, Strubbe and Kawasaki do not disclose the arranging means comprises a movable cursor displayed on the guide to selectively highlight one of the plurality of channels, wherein the highlighted one of the plurality of channels is moved from the first location to a second location in the channel listing.

Anderson teaches a method of drag-and-drop techniques for selecting and copying or moving data among cells within a table (Fig. 4G, 4K, and 9B-C; Col. 10, lines 64-Col. 11, lines 6; Col. 11, lines 37-60; and Col. 18, lines 55-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Strubbe in view of Kawasaki by using the well known technique of drag-and-drop, as taught by Anderson, in order to provide users a highly intuitive interface so users don't have to master an elaborate and/or awkward environment but instead, may rely upon his or her own common knowledge to organize and present information according to their needs (Col. 3, lines 35-40).

Conclusion

Applicant's amendment on 11/27/2002 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

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See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9306

for formal/informal/draft communication intended for entry, please label
"OFFICIAL", "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (703) 308-7372.

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The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

HT:ht
December 11, 2003



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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